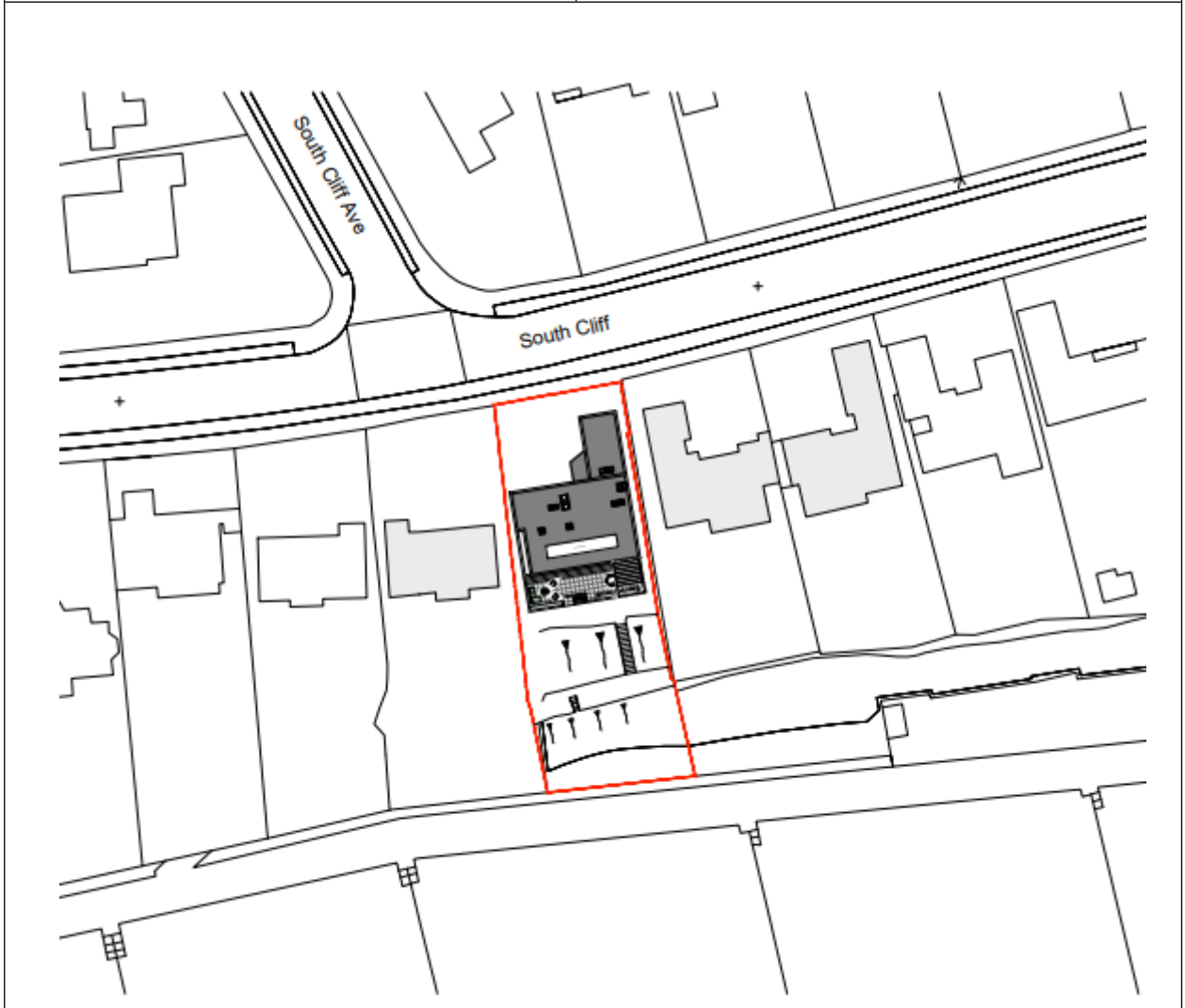


SITE PLAN

BEXHILL

RR/2023/430/P

55 South Cliff



Rother District Council

Report to - Planning Committee
Date - 1 June 2023
Report of the - Director – Place and Climate Change
Subject - RR/2023/430/P
Address - 55 South Cliff, Bexhill
Proposal - Variation of Condition 2 and removal of Conditions 5 and 6 imposed on RR/2021/863/P to allow changes to the design including the removal of swimming pool and basement.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT FULL PLANNING PERMISSION SUBJECT TO CONDITION.**

Director: Ben Hook

Applicant: Tina Soderlund-Boley
Agent: RX Architects
Case Officer: Asma Choudhury
(Email: asma.choudhury@rother.gov.uk)

Parish: BEXHILL COLLINGTON
Ward Members: Councillors A.K. Jeeawon and D.B. Oliver

Reason for Committee consideration: Councillor Call-In to Planning Committee for determination based on objections from neighbouring residents.

Extension of time requested - not yet agreed.

1.0 SUMMARY

- 1.1. This application seeks approval for the following:
 - a. To vary Condition 2 - to amend the approved plans list in order to accommodate alterations to the design of the dwelling.
 - b. Remove Conditions 5 and 6 in relation to the maintenance of the swimming pool. It is now proposed to omit the swimming pool from the proposal.
 - 1.2. In this case, the proposal would constitute insignificant variation of details that would not be materially different to the permitted scheme. The recommendation is therefore approval.
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2.0 SITE

- 2.1 The application relates to a 1950's chalet bungalow located on the coastal side of South Cliff. The property occupies land that slopes down from east to west. It also slopes steeply down towards the south and meets the promenade on its southern boundary. The cliff itself, which is within the Cooden Cliffs Site of Nature Conservation Importance, lies just outside of the application site.
- 2.2 To the west of the site is No. 57 South Cliff, which consists of a very similar style dwelling to the application. Very recently the Council permitted the demolition and replacement of this neighbouring bungalow. The replacement scheme involved bringing the footprint of the new dwelling forward towards the road to be in line with No. 55 South Cliff (the application site) rather than the 'twin' chalet bungalow at No. 59. It also involved excavation to accommodate a lower ground floor level – to house a swimming pool – and to create a new landscaped garden to the rear, leading to the existing concrete sun terrace.
- 2.3 The site lies within a mixed residential area that includes houses and bungalows of varying sizes and designs. A number of other sites have been redeveloped or dwellings extended. The properties in the surrounding area are thus diverse in appearance and, as a result, there is no single unifying character.

3.0 PROPOSAL

- 3.1 This application seeks to vary Conditions 2 and 5 of the planning permission ref: RR/2021/863/P, granted for the demolition of the existing dwelling and erection with a replacement dwelling.
- 3.2 This application seeks approval for the following:
- a) Vary Condition 2 - to accommodate alterations to the design of the dwelling.
 - b) Remove Conditions 5 and 6 in relation to the maintenance of the swimming pool.
- 3.3 The proposal does not include alterations to the dimensions or shape of the dwelling, nor its position within the plot. The alterations include the following:
- Removal of the basement floor level which includes the swimming pool etc.
 - Increase to the depth of the rear terrace by approx. 30cm and alterations to its design which includes re-orienting the steps within the terrace and a brise soleil within the east-flank wall.
 - Increase to the height of the forward facing, single-storey projection by approx. 30cm.
 - Alterations to the materials/detailing of the brick work.
 - Alterations to the size and position of the windows, doors and rooflights.
 - Alterations to the internal layout.
- 3.4 The table below lists the approved plans which would be superseded by the proposed plans.

3.5

Title	Approved plans	Proposed plans
Proposed Site Block Plan	00121-PL-150	00121-PL-150-REV A
Existing Plan	00121-PL-200	No variation
Proposed Basement Floor Plan	00121-PL-224	Proposal omits basement as part of the amendments.
Proposed Ground Floor Plan	00121-PL-225	00121-PL-225-REV A
Proposed First Floor Plan	00121-PL-226	00121-PL-226-REV A
Proposed Roof Plan	00121-PL-227	00121-PL-227-REV A
Existing Elevations	00121-PL-300	00121-PL-300-REV A
Proposed Site Section	00121-PL-450	00121-PL-450-REV A
Proposed Elevations	00121-PL-350	00121-PL-350-REV A

3.6 As the proposed amendments seek to omit the basement from the development, which accommodated the swimming pool, it is proposed to remove Conditions 5 and 6 which pertains to the maintenance of the swimming pool.

4.0 HISTORY

Reference	Description	Decision
RR/2021/863/P	Demolish existing building and replace with new residential dwelling.	Approved 22/12/21
RR/2022/1931/DC	Submission of details required by Conditions 7 and 10 imposed on RR/2021/863/P	Approved 16/09/22

5.0 POLICIES

5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1 Presumption in Favour of Sustainable Development
- OSS1: Overall Spatial Development Strategy
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- BX1 Overall Strategy for Bexhill
- BX3 Development Strategy
- SRM1 Towards a Low Carbon Future
- SRM2 Water Supply and Wastewater Management
- CO6 Community Safety
- EN3 Design Quality
- EN5 Biodiversity and Green Space
- EN7 Flood Risk and Development
- TR3 Access and New Development
- TR4 Car Parking

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1: Water Efficiency
- DRM2: Renewable Energy Developments)
- DRM3: Energy Requirements
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN6: Land Stability
- DEN7: Environmental Pollution
- DIM2: Development Boundaries
- DRM1: Water Efficiency

5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

6.0 CONSULTATIONS (Full response on Councils website)

6.1 Bexhill-on-Sea Town Council: *It was RESOLVED to object to this application in support of the residents' objections.*

6.2 Five letters of objection received from three households:

- Plans are not accurate. Proposal is substantially different from the original approval.
- Issues concerning land stability.
- Proposed building would be closer to adjacent property, No.53.
- Impact to the safety and amenity of neighbours at No.53.
- Overshadowing.
- Loss of light.
- Loss of privacy
- Support the omission of the basement floor.

7.0 APPRAISAL

Main Issues

7.1 The principle of this development proposal has been established under RR/2021/863/P.

7.2 Therefore, the assessment is limited to whether the proposed alterations and the removal of the conditions would represent a fundamental change to the consented development.

Variation of Condition 2

7.3 The most significant variation is the omission of the basement floor which would not materially affect the scale/height of the proposed dwelling above ground level. With the removal of the basement floor, this would require less intrusion of the ground.

- 7.4 It should be noted that the High Court judgment has set out that there are no significant limitations concerning what could be considered under a Section 73 application provided it does not stray from the description of development or introduce additional elements that would fundamentally undermine the basic principle of the originally consented scheme.
- 7.5 In respect of the proposed alterations to the internal layout and the external appearance of the dwelling, regard is had to the design policies in considering their appropriateness having regard to the character of the area. In this case, the proposed alterations are not materially different from the consented scheme, being in keeping with its contemporary aesthetic so the visual impact in the street scene would not be dissimilar to that previously approved.

Removal of Conditions 5 and 6

- 7.6 As the proposal seeks to remove the basement floor accommodating the swimming pool, Conditions 5 and 6, pertaining to the maintenance/drainage of the pool, would become redundant.
- 7.7 Paragraph 56 of the National Planning Policy Framework, states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development... In this case, as the proposal would no longer include a basement and swimming pool, the conditions would be unreasonable, unnecessary and not relevant to the development.

Impact on the residential amenity of neighbouring occupiers

- 7.8 The proposed alterations do not raise new neighbour amenity issues, being comparable in its design, scale and position to the approved scheme, particularly given the established level of mutual overlooking between the properties in the locality.
- 7.9 In terms of objections concerning overshadowing and loss of light, the proposed dwelling is similarly aligned with the adjacent properties either side, all with south-facing gardens. As the proposed amendments do not include an increase to the approved dwelling, this application does not raise new issues in this respect.
- 7.10 For the same reason, the proposal does not raise additional overlooking concerns, being similar to that previously approved and having regard to the existing building's relationship and established mutual outlook and overlooking across properties.

Other issues

- 7.11 Issues concerning lands stability has been addressed via discharge of Condition 7 of the original permission requiring a land stability report. In this case, the level of intrusion into the ground would be significantly reduced owing to the omission of the basement level.
- 7.12 In respect of the local concerns regarding the accuracy of the plans, Officers are satisfied that the plans are representative of what is proposed in relation to adjoining and adjacent land, particularly when comparing the distance between

east and west boundary of the site's curtilage as per the existing and proposed plans, and in terms of the dimensions of the position of the proposed building being consistent across all the submitted plans.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 In this case, the proposal would constitute insignificant variation of details that would not be materially different to the permitted scheme. The recommendation is therefore approval.

RECOMMENDATION: GRANT PLANNING PERMISSION

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the original permission (that date being 22/12/21).
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Reference:	Date:
00121-PL-150-REV A	23/02/2023
00121-PL-225-REV A	23/02/2023
00121-PL-226-REV A	23/02/2023
00121-PL-227-REV A	23/02/2023
00121-PL-300-REV A	23/02/2023
00121-PL-450-REV A	23/02/2023
00121-PL-350-REV A	23/02/2023
00121-PL-200 (approved plan from RR/2021/863/P)	14/04/2021
00121_50 (approved plan from RR/2021/863/P)	14/04/2021
00121-PL-300 (approved plan from RR/2021/863/P)	14/04/2012

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to occupation of the dwelling hereby permitted, boundary treatments shall be erected strictly in accordance with details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and to prevent the development from having any harmful impact upon the amenities of adjoining properties by way of overlooking, in accordance with OSS4 (ii and iii) of the Rother Local Plan Core Strategy 2014.
4. Prior to occupation of the dwelling hereby permitted, privacy screens to the ends of the first-floor rear balcony on the western elevation shall be erected strictly in accordance with details submitted to and approved in writing by the Local Planning Authority. The privacy screens shall thereafter be retained in that condition.

Reason: To prevent the development from having any harmful impact upon the amenities of adjoining properties by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

5. The development shall be completed in accordance with the detail contained in 'Report on Ground Investigation undertaken by Ground and Environmental Services Limited (Document Reference No: 12818), received 04/08/2022 and approved under ref: RR/2022/1931/DC.
Reason: To protect the stability of the cliff in accordance with Policy DEN6 of the Development and Site Allocations Local Plan.
6. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling(s) has been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.
7. The dwelling(s) hereby permitted shall not be occupied until it has/they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.
8. The development shall be completed in accordance with the details approved under ref: RR/2022/1931/DC.
Reason: To ensure that the development reflects the appearance and character of the surrounding area and safeguard the local biodiversity in accordance with Policies OSS4 and EN5 of the Rother Local Plan and Policies DHG11 and DEN4 of the Development and Site Allocations Local Plan.

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
3. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the

hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

4. The Environment Agency can be contacted by telephone on 03708 506 506 or by e-mail at enquiries@environment-agency.gov.uk.
5. In relation to the significant excavation and construction works, responsibility for securing a safe development rests with the developer and/or landowner.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.